

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION

NICHOLAS NAZAROVECH

Plaintiff

vs.

AMERICAN ELITE RECOVERY, LLC,
MARK M. MILLER, and
JOHN DOES 1-10

Defendants

CIVIL CASE NO.:
1:18-CV-00836-TSB

THE HONORABLE
UNITED STATES DISTRICT JUDGE
TIMOTHY S. BLACK

DECLARATION OF MICHAEL J. PALUMBO

I, Michael J. Palumbo, pursuant to 28 U.S.C. § 1746, declare the following:

1. I am over the age of eighteen (18) years, a citizen of the United States of America, and a resident of the State of Ohio.
2. I have personal knowledge to testify to the matters stated in this Declaration.
3. I am an attorney with the law firm of Gingo Palumbo Law Group LLC.
4. I am duly licensed and admitted to the bars in the State of Ohio, Commonwealth of Pennsylvania, and State of Illinois. I am a member of each bar in good standing.
5. I am counsel of record for Defendants, American Elite Recovery, LLC, and Mark M. Miller (collectively the "Defendants"), in the within action.
6. My Firm serves as local counsel for the law firm of Lippes Mathias Wexler Freidman, LLP in Buffalo, New York in the representation of Defendants.
7. On May 28, 2019, I became aware of circumstances from a telephone conversation with counsel for Defendants, Brendan H. Little, Esquire of Lippes Mathias Wexler Friedman LLP, in Buffalo, New York, which prevent me from continuing to represent Defendants in accordance with Rule 1.16(b) of the Ohio Rules of Professional Conduct.

8. Since Lippes Mathias Wexler Friedman LLP was paying the legal costs incurred by my Firm in the legal representation of Defendants, and given the statement contained in the Declaration of Brendan H. Little filed in support of the Motion to withdraw, any further representation of Defendants in this action will result in an unreasonable financial burden on my Firm.
9. Defendants, American Elite Recovery, LLC, and Mark M. Miller, are being served, via United States certified mail, return receipt requested, with a time-stamped copy of the Motion to withdraw as counsel of record (Document 31) filed on November 13, 2014; and
10. Good cause exists for my Firm's withdrawal from the representation of Defendants in this action since Lippes Mathias Wexler Friedman LLP contacted me to serve as local counsel. I have had no contact or communication with Defendants.
11. Under penalties provided by law, I certify that the aforesaid statements are true and correct to the best of my information, knowledge and belief.

DECLARANT:
MICHAEL J. PALUMBO, ESQUIRE

s/ Michael J. Palumbo

By: Michael J. Palumbo

CERTIFICATE OF SERVICE

The undersigned attorney for Defendants, American Elite Recovery, LLC and Mark M. Miller, certifies the following:

1. The ***Declaration of Michael J. Palumbo*** was electronically filed on the date above through the CM/ECF Filing System of the United States District Court for the Southern District of Ohio (Cincinnati Division).
2. The Parties appearing on the Notice of Electronic Filing, and as noted below, may access the foregoing and aforesaid pleading through the CM/ECF system:

Anthony J. Gingo, Esquire, anthony@gplawllc.com
Jonathan L. Hilton, Esquire, jhilton@hiltonparker.com
Michael J. Palumbo, Esquire, michael@gplawllc.com

3. A true and accurate copy of the foregoing pleading was served on the date above via UPS second day delivery and United States regular mail, postage prepaid, upon the following:

UPS Tracking #1Z 52X 6X7 35 9827 1411
USPS Certified Mail Article #7017-2620-0000-9470-4960
American Elite Recovery, LLC
1561 Kenmore Avenue, Buffalo, New York 14217

UPS Tracking #1Z 52X 6X7 35 9158 8280
USPS Certified Mail Article #7017-2620-0000-9470-4977
Mark M. Miller
1561 Kenmore Avenue, Buffalo, New York 14217

s/ Michael J. Palumbo

Michael J. Palumbo, Esquire
Anthony J. Gingo, Esquire
*Counsel for Defendants, American Elite Recovery,
LLC and Mark M. Miller*